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*Attorneys for Plaintiffs Newmark Group Inc.,  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E  
ACQUISITION COMPANY LLC, and  
BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.,  
AVISON YOUNG (USA) INC., AVISON  
YOUNG-NEVADA LLC, MARK ROSE,  
THE NEVADA COMMERCIAL GROUP,  
JOHN PINJUV, and JOSEPH KUPIEC; DOES  
1 through 5; and ROE BUSINESS ENTITIES  
6 through 10,

Defendants.

Case No. 2:15-cv-00531-RFB-EJY

**PLAINTIFFS' UNOPPOSED MOTION  
FOR LEAVE TO FILE RESPONSE  
EXCEEDING LR 7-3's PAGE LIMIT IN  
OPPOSITION TO AVISON YOUNG  
(CANADA) INC., AVISON YOUNG (USA)  
INC., AVISON YOUNG-NEVADA LLC,  
MARK ROSE, AND JOSEPH KUPIEC'S  
MOTION FOR SUMMARY JUDGMENT**

1 Plaintiffs Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate of  
2 Nevada LLC (together, “Plaintiffs”), through their counsel, move this Court under Local Rule 7-3  
3 for an order allowing them to file a response in opposition to Defendants Avison Young (Canada)  
4 Inc., Avison Young (USA) Inc., Avison Young–Nevada LLC, Mark Rose, and Joseph Kupiec’s  
5 (the “AY Defendants”) motion for summary judgment (ECF No. 637) that exceeds the 30-page  
6 limit set forth in LR 7-3. In support of this motion, Plaintiffs submit the following Declaration of  
7 Tina B. Solis showing good cause for the relief requested:

8 **DECLARATION OF TINA B. SOLIS**

9 I, Tina B. Solis, declare as follows:

10 1. I am a legal adult of sound mind with personal knowledge of the facts stated in this  
11 declaration and could testify competently to those facts if called on to do so.

12 2. I am a partner in the law firm of Nixon Peabody LLP.

13 3. I am lead counsel in this litigation for Plaintiffs.

14 4. This declaration is submitted in support of Plaintiffs’ unopposed motion for leave to  
15 file a response exceeding LR 7-3’s page limit in opposition to the AY Defendants’ motion for  
16 summary judgment (the “Motion”).

17 5. On March 23, 2023, the AY Defendants’ filed an unopposed motion for leave to file  
18 a motion for summary judgment in excess of thirty pages, seeking leave to file a sixty-five-page  
19 summary-judgment brief, excluding exhibits, on behalf of the five AY Defendants. (ECF No. 623.)

20 6. Given the multiple parties and issues involved in the case, and the large volume of  
21 documents, Plaintiffs agreed not to oppose the AY Defendants’ request, with the understanding that  
22 Plaintiffs would likewise be permitted to file a response brief of up to sixty-five pages in opposing  
23 the AY Defendants’ Motion.

24 7. The AY Defendants’ filed their Motion on May 29, 2023. (*See* ECF No. 637.)

25 8. Given the numerous factual and legal issues raised, and the extensive amount of  
26 relevant evidence to be addressed in response to the AY Defendants’ arguments, Plaintiffs submit  
27 that there is good cause to permit them to file a response brief of up to sixty-five pages.  
28

9. As indicated in the AY Defendants' own unopposed motion seeking leave to file a brief exceeding the page limit (ECF No. 623, ¶ 6), and as further confirmed by the AY Defendants' counsel by email on May 25, 2023, the AY Defendants do not oppose Plaintiffs' request.

10. In accordance with 28 U.S.C. § 1746, I, Tina B. Solis, declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of May, 2023, in Chicago, Illinois.

**CONCLUSION**

Based upon the foregoing declaration, and for good cause shown, Plaintiffs respectfully request the entry of an order granting them leave to file a response brief of up to sixty-five pages, excluding exhibits, in opposition to the AY Defendants' Motion.

Dated: May 25, 2023

Respectfully submitted,


/s/ Tina B. Solis

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**APPROVED:**

**DATED this** 31st day of May, 2023.

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**RICHARD F. BOULWARE, II**  
**United States District Judge**

*Attorneys for Plaintiffs Newmark Group Inc.,  
G&E Acquisition Company LLC, and  
BGC Real Estate of Nevada LLC*

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on May 25, 2023, I caused a true and correct copy of the foregoing **Plaintiffs' Unopposed Motion for Leave to File Response Exceeding LR 7-1's Page Limit in Opposition to Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison Young– Nevada LLC, Mark Rose, And Joseph Kupiec's Motion for Summary Judgment** to be filed electronically with the clerk of court using the court's CM/ECF system, which will send a notification of electronic filing to the counsel of record who have entered an appearance in this case, including:

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/s/ Tina B. Solis  
*One of the Attorneys for Plaintiffs Newmark Group  
Inc., G&E Acquisition Company LLC,  
and BGC Real Estate of Nevada LLC*